

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

Minute Entry

Hearing Information:

Debtor: DIANA IVELISSE LAGARES SANTANA

Case Number: 18-07127-ESL13

Chapter: 13

Date / Time / Room: 02/26/2019 09:00 am osjrt2

Bankruptcy Judge: ENRIQUE S. LAMOUTTE

Courtroom Clerk: MARITZA FEIJOO

Reporter / ECR: CARLOS APONTE

Matter:

Doc# 16 Motion for Relief From Stay Under 362 [e] filed by EMI Equity Mortgage, Inc. Filing fee: 181 With Declaration under servicemember civil relief act of 2003. Collateral: Urb Borinquen Valley, Caguas. Post Petition Arrears: Forclosed.  
Doc# 21 Debtor's Response

Appearances:

ALEJANDRO OLIVERAS RIVERA

ROBERTO FIGUEROA CARRASQUILLO

WALLACE VAZQUEZ SANABRIA

*Enrique Cortes-Rosa*  
*EMI mtg.*

Proceedings:

ORDER:

\_\_\_ Upon debtor(s)' failure to: \_\_\_ oppose; \_\_\_ appear at the hearing scheduled for this date; \_\_\_ make current payments to movant; the instant motion is granted and the stay is hereby lifted in favor of movant.

\_\_\_ Debtor shall provide adequate protection to movant by:

\_\_\_ curing the arrears within \_\_\_ days. Upon failure to comply, the stay shall be deemed lifted without further order or hearing.

\_\_\_ Parties are granted \_\_\_ days to file a stipulation or joint motion for consent judgment. Upon failure to so file, the Court will enter an order lifting the automatic stay in favor of movant.

\_\_\_ Upon debtor(s)' consent, the instant motion is granted and the stay is hereby lifted in favor of movant.

\_\_\_ The automatic stay is hereby modified for loan mitigation/modification purposes only. The parties shall inform the Court within \_\_\_ days on the status of the process.

\_\_\_ Movant's application to withdraw the motion is hereby granted.

Other: *EMI argues that parties' sale took place prior to petition date, and pending judicial sale does not affect judicial sale. Debtor argues that new step of court approval is necessary for perfection of judicial sale. Parties are granted 30 days to file legal memoranda on the issue. Replies are due 14 days thereafter.*

*Enrique S. Lamoutte*  
/s/ Enrique S. Lamoutte  
U. S. Bankruptcy Judge